

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

CASE NO. 1:08-CV-907

PLAINTIFF,

ROBERT J. JONKER
U.S. DISTRICT JUDGE

V.

PEOPLEMARK, INC.,

DEFENDANT.

ANSWER TO COMPLAINT

For its Answer to the Complaint filed herein, defendant, Peoplemark, Inc., states:

1. The allegations of paragraph 1 of the Complaint are admitted.
2. The allegations of paragraph 2 of the Complaint are denied.
3. The allegations of paragraph 3 of the Complaint are admitted.
4. The allegations of paragraph 4 of the Complaint are admitted.
5. The allegations of paragraph 5 of the Complaint are admitted.
6. For lack of information sufficient to form a belief regarding the allegations of paragraph 6 of the Complaint, those allegations are denied.
7. The allegations of paragraph 7 of the Complaint are denied.
8. The allegations of paragraph 8 of the Complaint are denied.
9. Any allegations contained within the Complaint which have not been specifically admitted are denied.

10. The Complaint fails to state a claim for which relief can be granted against this Defendant.

11. The Plaintiff in this lawsuit has failed to conciliate this matter as it is required to do by law. Accordingly, the claims asserted by it in this action are barred.

12. To the extent that Sherri Scott and/or anyone else on whose behalf this lawsuit is alleged to have been filed have failed to mitigate any alleged damages incurred by them, the claims asserted by Plaintiff are barred.

13. This action is barred by the offsetting and overriding legitimate business considerations of Defendant with regard to potential third party liability incurred by Defendant absent the enforceability of its current policies.

WHEREFORE, Defendant prays that the Complaint against it be dismissed; for its costs and attorneys fees incurred in defending this action; and for all further and proper relief to which it may be entitled.

Respectfully submitted,

s/ Carolyn W. Schott

Carolyn W. Schott (TN Bar # 021811, MI Bar #49897)

BAKER, DONELSON, BEARMAN,

CALDWELL & BERKOWITZ, P.C.

Commerce Center

Suite 1000

211 Commerce Street

Nashville, Tennessee 37201

(615) 726-5600

(615) 726-0464

cschott@bakerdonelson.com

Edward R. Young (TN Bar #008373)

BAKER, DONELSON, BEARMAN,

CALDWELL & BERKOWITZ, P.C.

First Tennessee Building

165 Madison Avenue, Suite 2000

Memphis, Tennessee 38103

(901) 577-2341

(901) 577-0879

eyoung@bakerdonelson.com

CERTIFICATE OF SERVICE

I, Carolyn W. Schott, certify that on November 13, 2008, the foregoing was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

Laurie A. Young
Regional Attorney

Deborah M. Barno (P44525)
Supervisory Trial Attorney

Omar Weaver (P58861)
Trial Attorney

Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
313-226-3407
e-mail: omar.weaver@eeoc.gov

s/ Carolyn W. Schott
